

JAN 26 2009

Office of Secretary
Federal Communications Commission
Attention: CGB Room 3-B431
445 12 Street SW
Washington, DC 20554

FCC Mail Room

Petition for Exemption from Closed Captioning Requirements

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Introduction

Nacogdoches Independent School District is located in Nacogdoches, Texas a city of 30,000 in East Texas. The school district is home to 6,500 students Pre-K/12 Grades. NISD is a close knit community that strives to have as many of its citizens involved in the community as possible. This includes the schools where in 2000 NISD began its local TV endeavor. The purpose of the broadcast is to inform our community of the operation of our school system from the school board to Pre-K classes including all support efforts. The district employs a Media Specialist who built the program from the ground up. He is currently compensated approximately \$60,000.00 annually. He is the only one in the TV department that receives any compensation. The cost of the initial investment in equipment was approximately \$50,000.00. Other than equipment repairs, some upgrades, and a small amount of supplies, the operation cost is low.

Programming

During the school year, NISD produces four TV Public Service Programs per week. They are aired on our local cable in partnership with Sudden Link Communications and Stephen F. Austin State University. The shows begin at 5:30 am to 7:30 am Monday through Friday and 8:00 pm to 10:00 pm Monday through Friday. The majorities of the shows use an interview format with a voluntary host and selected guest.

The first show is "Inside NISD" featuring school personnel from the school board our teachers and other support personnel. For example we go into a 3rd grade class and take picture of what the students are doing; the teacher will explain the pictures. This way, a parent will have an idea what their child does all day. In addition we invite other guest that have a vested interest in our schools and has information that we feel our community would benefit knowing. The show is normally divided into two fourteen minute segments that highlight two different guests; we are able to present information from about 50 guests each year.

Our next show is the "Dragon Athletic Show". We have over 600 students that participate in our athletic programs at the high school alone. With the no pass/no play rules these program serve as a great motivator to many student athletes. Our main lists of guest are our coaches that highlight their teams and players. We like to emphasize to our parents that winning is not the only expectation.

Our third show is called, "La Conexion Hispana" or The Hispanic Connection. Our Hispanic population is rapidly becoming the majority ethnic group in our district. Many of our Hispanic students live below the poverty level. Over 50 % of our male Hispanic students drop out before graduation. We organized the show to help combat some of these conditions. To do this, we invite guest that fall in three categories. Our first lists of guest are usually school personnel such as our Director of Bilingual education. We try to present information that will make staying in school less problematic for these students. Our second guest type is generally organizations that offer free social serviced such as the East Texas Health Clinic or the Harvest House Food Bank. And finally, our last special guests are what we like to call successful role models. Hispanics that have stayed in school and now are successful who will tell their story and encourage others.

Our final regular show is a community show called "Brick Street News". It is co hosted by the Mayor of Nacogdoches and the Nacogdoches County Judge. It features city and county employees who explain how they serve our community. It also includes upcoming special events as well as many other features benefital to our citizens. Offering a look into each community service department provides the community with accurate information and appreciation for the dedication of our community employees. Finally, bringing all our community leaders and organizations together in one effort brings a sense of "unity" in our community services. Additionally it benefits both the community leaders and the schools by having them as our guests each year.

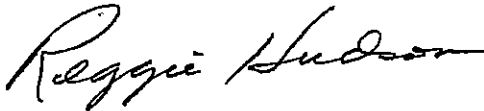
In addition to our regular shows we present several special features. Each month we broad cast our school board meetings in their entirety. This allows our community to see the operation, discussion, and goals of our school. The week before Christmas we tape all our Christmas programs. We edit segments from all programs to highlight as many students as possible. Typically this will include over one thousand students. In the spring our final show highlights our student community as they present their spring shows.

Financial Considerations

As you can see we are very community oriented and feel we are truly a public service broadcaster. The fact that our local TV station, KTRE has offered the district programming free air time speaks volumes about the willingness of our community and supporters to sacrifice for the good of our people. KTRE has agreed to broadcast our program each night on their new all digital channel 9.2. They will broadcast the entire two hour block (4 shows) at 7:30 to 9:30 Monday through Friday. They informed us we would need to either include closed caption or get a hardship waiver from the Federal Communications Commission. A study of closed caption production rates indicates an average of about \$100.00/ hour. This would mean an increase in cost of about \$60,000.00 per year. This amount would approximately double our current expenses. We have no means of revenue, (we do not utilize paid commercials or any other form of funding), meaning we could not take advantage of KTRE's generous offer preventing our community based program from reaching further into the local population. For these reasons Nacogdoches Independent School District is requesting that the FCC consider granting our district a waiver requiring the provision of closed captioning with our programming.

Thank you for your consideration

Sincerely,



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